THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :18624 OF 2007

DATED:03-09-2007

BETWEEN:

N.Muthaiah & 2 others.

..... PETITIONERS

AND

The Government of A.P.,
Rep., by the District Collector,
Nalgonda,
Nalgonda District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus directing the respondents to consider the claim of the petitioners for reassigning the land to an extent of Ac.2.18 guntas each, in Sy.No.204 situated at Yelugapally village, Nalgonda mandal and District by declaring the action of the respondents in not reassigning the same as illegal and arbitrary.

3. It is the case of the petitioners that the petitioners 1 and 2, and father of the 3rd petitioner were the assignees of the land in Sy.No.204 of Yelugapally village, Nalgonda mandal and District and each of them have been assigned an extent of Ac.2.18 guntas. As the said assignees have transferred the said land, action has been initiated under Section 3 of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for brevity, 'the Act') and the unauthorized occupants who have purchased the said land in contravention of the Act 7/77 have been ordered to be evicted and the said land is directed to be taken into the possession of the Government.

4. It is stated that under Section 4 (1) (a) of the Act after taking possession of the assigned land and after evicting the persons from the possession of the said land, the said land is liable to be

restored to the assignees. Under Section 4(1)(b) of the Act if the said land is notified by the Government, the same cannot be restored to the original assignee.

5. I am not inclined to express any opinion whether the said land has been notified by the Government or not and whether the petitioners are entitled for restoration of the said land as admittedly an application, dated 13-07-2007, filed by the petitioners is pending before the 4th respondent.

6. Having regard to the facts and circumstances 4th respondent is directed to consider and dispose of the application of the petitioners, dated 13-07-2007, in accordance with law.

7. Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

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V.ESWARAIAH,J

03rd September, 2007.
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